

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM M-23813 of 2023
Date of Decision: 29.11.2023

Lakhwinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Nirmaljeet S. Sidhu, Advocate for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.23 dated 30.01.2023 registered under Sections 420/34 IPC at Police Station Dayalpura, District Bathinda.
2. As per the case of the prosecution, the petitioner had allegedly cheated the complainant to the tune of Rs. 29 lacs in total, for helping his relatives, who was residing in Canada. It was alleged that various amounts were taken by the accused in different bank accounts on different dates.
3. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. In fact, the

FIR was registered against unknown persons and the petitioner has been wrongly arrested on 15.02.2023 without any evidence against him. Learned counsel further contends that till date, the examination-in-chief of only three witnesses out of total 08 witnesses, have been recorded by the trial Court and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has resisted the submissions made by the learned counsel for the petitioner on the ground that one more case of similar nature has already been registered against the petitioner in Bihar.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 15.02.2023 and is in custody for the last more than 09 months. Even, the trial proceedings have not progressed much and the trial is at the initial stage only. Apart from that, all the offences are triable by the Court of Magistrate in the present case. Still further, the registration of a criminal case against the petitioner is no ground to deny the concession of bail in the present case as the petitioner has been able to make out a case for grant of concession of bail in the peculiar facts and circumstances of the present case.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered

to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

29.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No